

LOCAL RULES OF PRACTICE, MOHAVE COUNTY SUPERIOR COURT

Preamble

These rules are intended to supplement the applicable rules of procedure for the Superior Court and other provisions of law regulating the Superior Court and its procedures. Nothing herein contained may be interpreted as authorizing a change, modification, or deletion of such other rules or laws to which these local rules are subordinate. These rules are to be interpreted so as to promote justice, fairness, and the timely disposition of actions.

ADMINISTRATIVE RULES

Rule AD-1. Designation of Trial Divisions.

The individual courtrooms within the Court shall be designated as "Courtroom A, B, C," etc. Judges assigned to each courtroom shall retain their regular division number.

Rule AD-2. Budget

Before the date of submission of the budget to the Board of Supervisors, each department of the Mohave County Court system shall prepare and submit to the Court Administrator a budget request for the following fiscal period. The Court Administrator shall prepare the requested budget for the court system and shall submit it to the Presiding Judge with any recommendations before the date for submission of the budget to the Board of Supervisors. Except as set forth in the applicable statutes, the Presiding Judge shall review the budget, revise it if deemed necessary in his or her discretion, before final submission to the Board of Supervisors.

Rule AD-3. Law Library

A. Administration. The Presiding Judge shall be responsible for the administration of the county law library. Daily operation of the library shall be delegated to a law librarian who shall be selected and serve at the pleasure of the Presiding Judge. The law library shall be open on all judicial days and the hours of operation shall be posted in the courthouse and on the court website.

B. County Law Library Committee. A county law library committee shall be appointed by the Presiding Judge consisting of any number of members who reside in Mohave County. The committee shall make bi-annual recommendations to the Presiding Judge concerning the operation of the library and policy matters.

C. Borrowed Materials. No library material shall be removed from the library by any person with the exception of COJET materials for employees.

D. Additional Rules; Sanctions. The Presiding Judge shall adopt and publish such additional rules as he or she deems necessary for the orderly operation of the library. Failure to comply with any rule governing the use of the library may result in sanctions, including suspension of library privileges, fine or contempt of court.

Rule AD-4. Attire for Court Appearances

Counsel shall at all court appearances present themselves attired in a manner befitting their profession and indicative of respect for the court, and shall advise their clients and witnesses concerning appropriate courtroom attire. At the discretion of the court, violation hereof may result in removal from the court and/or a finding of civil contempt.

Rule AD-5. Ex Parte Presentations; Duty to Court

In the event that any ex parte matter or default proceeding has been presented to any judge or judicial officer and the requested relief denied for any reason, such matter shall not be presented to any other judge or judicial officer without making a full disclosure of the prior presentation. Counsel should be governed by the provisions of ER 3.3(d) of the Rules of Professional Conduct, Rule 42, Rules of the Supreme Court. For a failure to comply with the provisions of this rule, the order or judgment made on the application may be vacated at any time as a fraud upon the Court.

Rule AD-6. Change of Judge

Any "Notice of Change of Judge" shall be filed with the Clerk of the Court and copies served on all parties and the Presiding Judge. Upon timely request for a change of judge, the case shall be transferred to the Presiding Judge for reassignment if appropriate.

Rule AD-7. Papers and Documents to be Provided to Judge

After filing originals with the Clerk, copies of the following papers and documents shall be provided to the assigned Judge, and indicated as a COPY: excluding initial petitions, any motion or initial case petitions, opposition thereto, reply to the opposition, and all supporting memoranda of points and authorities. No other papers or documents shall be provided unless directed by the judge. The copy may be provided by fax or email to the assigned judicial division if arrangements are made in advance. Violations hereof may result in the imposition of sanctions at the discretion of the assigned Judge.

Rule AD-8. Minute Entries and Orders

A. The original of every court notice or ruling containing an order, judgment or direction of the court shall be filed by the Clerk in the individual case file and a copy transmitted to each counsel of record or unrepresented party no later than two court days from the making of the minute entry by the court.

B. All formal orders and judgments shall be delivered to every party who is not in default for failure to appear, by transmitting to each counsel of record or party not represented by counsel. The necessary copies of the order or judgment for this purpose, together with a pre-addressed envelope with sufficient postage, shall be provided to the Clerk by the attorney or unrepresented party who submits or lodges the order or judgment. The original shall be placed in the court file.

C. The courtroom clerk shall make minute entry notes of all courtroom events.

Rule AD-9. Exhibits

A. Entry Into File. Exhibits attached to a pleading or other filed paper shall be so mounted, folded and affixed that after the pleading or paper is fastened into the court file, they can be clearly, freely and easily read and examined without their having to be removed from the file or loosened from their fasteners.

B. Control by Courtroom Clerk. Exhibits marked for identification or introduced as evidence shall be under the control of the courtroom clerk and shall be secured in a manner prescribed by the Clerk of this court throughout the case's pendency, unless otherwise ordered by the court.

C. Return of Exhibits. Exhibits in any case may be withdrawn by written stipulation or order of the court. After a judgment has become final and non-appealable, a person who files an affidavit setting forth that he or she is the owner of or lawfully entitled to the possession of an exhibit may obtain an ex parte order permitting its release.

D. Disposal of Exhibits. Subject to the provisions of Arizona Rules of Court, all exhibits admitted in evidence or marked for identification will be disposed of at the conclusion of a case by judgment, order, or other final disposition which is not appealed, or by mandate on appeal, as follows:

1. The Clerk shall mail a notice to counsel of record or if none, to parties acting in pro se at their last known address advising them to present themselves at the office of the Clerk of the Court to accept delivery of those exhibits introduced by them. It shall be the responsibility of the attorney or the party pro se who introduced the exhibit to notify the owner of the exhibit of its availability within twenty (20) days of the date of the notice.

2. Any attorney, party or owner desiring the Clerk to retain any exhibit in the pending action shall notify the Clerk of such desire in writing within twenty (20) days of the date of the notice, and request the clerk to retain designated exhibits for stated reasons. Upon receipt of a request to retain exhibits, such exhibits shall be retained by the Clerk unless ordered to be disposed of by the court after hearing upon notice to all parties.

3. If counsel or the parties do not present themselves to the Clerk to accept delivery of exhibits, or if the notice is returned undeliverable, and if no order of retention is made, the Clerk shall retain the exhibits for an additional sixty (60) days from the date the notice was sent for the purpose of releasing them to the attorney or party introducing them.

4. If the Clerk is not notified to retain the exhibits or if the exhibits are not released to an attorney or party pursuant to this rule, the Clerk may dispose of the exhibits.

5. If the notice is returned to the Clerk undelivered, the Clerk may, after sixty (60) days from the date of the return of the notice, dispose of the exhibits.

6. Large exhibits made or created for purposes of trial to illustrate testimony may, by court order, be returned to counsel offering same during the pendency of the trial or hearing or any time thereafter, and counsel shall preserve same during the periods of time hereinabove provided.

Rule AD-10. Court Reporters; Court Reporters' Notes

A. Scope. This rule shall apply to all court reporters' notes (both paper and electronic) taken in sessions of this court.

B. Responsibility of Court Reporters. It shall be the responsibility of all reporters employed in any capacity by this court to be aware of and comply with all provisions of this rule as well as all applicable statutes and rules of court. All court reporters including per diem or contract reporters shall keep the Court Administrator's office advised of their current address and telephone number. All official court reporters of this court shall be responsible for the safekeeping of their notes until the notes have been delivered and accepted for storage by the Court Administrator's office pursuant to this rule. All court reporters employed by the court on a per diem or other contract basis shall retain physical possession of their notes while also ensuring their accessibility by the court.

C. Personal Storage of Notes. All reporters' notes which have not been stored with the Court Administrator shall be kept by the reporter of the division in which the proceedings were reported.

D. Storage of Notes with Court Administrator. All reporters shall provide the Court Administrator an electronic copy of their notes on a monthly basis. Additionally all reporters shall provide the Administrator with a copy of their dictionary on an annual basis.

E. Facilities and Procedures. All court reporter's notes in the custody of the Court Administrator shall be kept in a secure location and/or format. The Administrator shall store the notes so that they may be readily obtained.

F. Retrieval of Notes. When it becomes necessary for a reporter to obtain any of his or her notes stored with the Administrator, the Administrator shall make the notes available for such purposes during normal working hours.

G. Destruction of Notes. All reporter's notes for civil and probate proceedings in storage for more than ten (10) years shall be destroyed by the Court Administrator after giving thirty (30) days written notice by certified mail directed to the reporter at his or her last known business address and place of residence. Prior to such destruction, the reporter may reclaim his or her notes if he or she desires prior to the date set for their destruction. Notes of juvenile and criminal proceedings shall be held in storage according to the applicable retention schedule.

H. Termination of Employment. Upon termination of employment any court reporter shall immediately deliver his or her notes to be stored with the Court Administrator and shall at all times keep the Administrator advised of his or her address and telephone number.

Rule AD-11. Attorney's Responsibility to Court

A. Each attorney shall promptly advise the Clerk of the Court in writing of his or her office address, telephone number, email address, facsimile number or law firm affiliation if it is different from that listed in the current Directory of the State Bar of Arizona or is omitted from the directory.

B. In any case where more than sixty (60) days have elapsed after a matter has been finally submitted to the court for decision, and no such decision has been rendered, counsel shall file a notice with the court with copies to the Presiding Judge and the Clerk of the Court to ascertain whether such matter is presently under advisement or has been

inadvertently overlooked by the court.

Rule AD-12. Discovery Read Into Evidence

When discovery is read into evidence, the party proffering same shall submit to the court the original or a photocopy of the portion read, for the purpose of having a complete and accurate record on appeal.

Rule AD-13. Form of Pleadings and Other Papers Filed

All pleadings and other papers, in any action, filed with the Clerk of the Court, shall comply with Arizona Rules of Civil Procedure, Rule 10 and 11. The space above the title of the court to the right of the center of the page shall be reserved for the filing marks of the Clerk. No print shall extend into the margins.

Rule AD-14. Audio, Video and Other Sound Reproduction Exhibits

A. In order to ensure a complete and accurate record in the event of an appeal, when audiotapes, videotapes, or other exhibits that reproduce sound are intended to be offered in evidence to demonstrate the substance of conversation, a transcription of that portion intended to be played for the trier of fact shall be made and concurrently offered in evidence as the court's exhibit. The proponent of the exhibit shall cause that portion to be transcribed and shall present it to opposing counsel for comparison against the audio exhibit sufficiently in advance of the trial or hearing so that a good faith stipulation may be entered into by counsel as to its accuracy. A stipulation as to the accuracy of such a transcript shall not affect the admissibility, or non-admissibility of the recording itself. Absent a stipulation as to the admissibility of such a recording, admissibility shall be determined in accordance with the rules of evidence. The proponent may nevertheless establish the accuracy of the transcription sufficient for its admission into evidence by appropriate testimony. When the recording is played for the trier of fact, the transcription shall be incorporated in the record of the trial by the court reporter's reference to its exhibit number.

B. Copies of a transcription admitted in evidence may be provided to the jurors during the playing of the recording to assist them in following the recording, but the transcription shall be immediately collected thereafter from the jury. The transcription shall not be used by the jury during deliberations or any other time except upon stipulation of counsel or upon motion by any party where otherwise permitted by law or the rules of evidence.

Rule AD-15. Civil Case Forwarded from Justice Court on Basis of Counterclaim

In cases forwarded to this court from the justice court by reason of a counterclaim, cross claim or third party complaint stating a claim which exceeds the Justice Court Jurisdiction pursuant to A.R.S. 22-201(G), upon receipt of the case the Clerk of this court shall give notice in writing to the defendant filing said pleading that he or she shall have twenty-five (25) days from the date of receipt of said case in the Superior Court to pay the required filing fee of a defendant in the Superior Court and failure to do so will result in a dismissal of the counterclaim, cross claim or third party complaint and a remand of the case to the justice court. In such case the court may order the defendant to pay costs and, where appropriate, attorney fees pursuant to A.R.S. 12-349.

Rule AD-16. Assignment of Sessions Outside of County Seat

Pursuant to A.R.S. 12-130, sessions of the court may be held at places other than the county seat when in the opinion of the Presiding Judge the public interest so requires,

provided facilities are available for such sessions. Objections to such sessions shall be heard by the judge to whom that matter proposed for hearing is assigned.

Rule AD-17. Telephonic Conference Calls

A. Telephonic conference calling in lieu of personal appearances by counsel shall be acceptable and accommodated by the court on matters of motions, pretrial arguments, and all other issues not requiring evidentiary hearings. The Court may direct which party shall initiate and/or pay the cost of the call.

B. The Court may, in its discretion, order or allow oral argument on any motion or other proceedings by telephone conference call, provided that all conversations of all parties are audible to each participant and the Court. Upon request of any party, such oral argument may be recorded by court reporter or other lawful method under such conditions as the Court shall deem practicable. Counsel shall request scheduling of such calls at a time convenient to all parties and the Court. The Court may direct which party shall pay the cost of the call.

Rule AD-18. Juries

A. Request for Panel. Not later than ten (10) judicial days before a trial panel is required to be in attendance, the court shall order the jury commissioner or commissioner's agent to draw the names of qualified jurors and shall specify the number of names to be drawn, the case number, name(s) of plaintiff(s) and defendant(s), courtroom location, and date and time to appear. The jury commissioner or commissioner's agent shall also be informed by the court if there has been a previous jury called for the defendant in a criminal matter.

B. Jury Lists and Questionnaires. Jury lists shall be provided to each party to the action on the day on which jury selection is to begin, or upon further order of the court. The jury commissioner or commissioner's agent will make the juror lists as complete as possible. Jury questionnaires are destroyed not less than ninety (90) days from receipt of said questionnaire in accordance with current rules, statutes, and/or adopted records retention schedules.

C. Assessment of Jury Fees--Before/After Impanelment. In the event a case set for trial is settled before trial, and the Jury Commissioner is not notified in sufficient time by the court to excuse the jury from attendance, the jury fees and mileage incurred for the entire panel may be assessed against one or more of the parties in such proportions as the trial judge deems reasonable. Dismissal will not be entered by the court until a sum sufficient to defray such jury fees has been deposited with the Clerk of the Superior Court.

If a jury has been impaneled for a trial but the case is settled or for any other reason the panel is not used for that trial, an assessment of jury fees may be made for each juror and alternate juror impaneled for each day on which the jury was present for trial.

D. Parties Against Whom Fees Assessed. Except as otherwise provided by law, the parties may by agreement, subject to approval by the court, designate the party or parties against whom jury fees are to be assessed. If the parties fail to so designate, the court may assess the jury fees equally against each side unless the court determines that the interests of justice require assessment of jury fees in some other manner.

E. Mistrials. Jury fees for mistrials shall be fixed by the court at the time of the mistrial, and may be assessed at the time judgment is given or disposition made.

Rule AD-19. Suspension of Rules

The parties to any proceeding, with the consent of the court, may waive any local rule, and the court, in specific instances, may suspend the operation of any local rule when harm or injustice would otherwise result.

CIVIL RULES

Rule CV-1. Motions and Special Matters--Non-Criminal Matters

A. Motion Calendar. A division may establish a specific day in which it will hear all oral arguments concerning motions; pretrial conferences; and, other short causes or other designated matters that may or may not require the presentation of evidence or testimony. Should this day be a legal holiday these matters will be heard on the following day.

B. Submission upon Memorandum. All motions shall be in accordance with Rule 7.1(a), Arizona Rules of Civil Procedure, and shall be deemed submitted upon memoranda unless the motion or response contains in the caption the words "oral argument requested". Oral argument on all motions shall be limited to ten (10) minutes for each side, unless additional time is requested by any party and granted by the court. Motions for which oral argument has not been requested will be considered for decision upon expiration of the time prescribed for filing of a reply. The fact that either party has requested oral argument upon the motion, or that the motion has been set down for oral argument by the court shall not in any way relieve the parties from the filing of written memoranda required by Rule 7.1(a), Arizona Rules of Civil Procedure.

Rule CV-2. Trial Calendar and Dismissals for Failure to Prosecute

A. The Clerk of this court shall maintain an Active Calendar and an Inactive Calendar and cases shall be placed thereon, respectively, by the Clerk as provided by Rule 38.1(c) and (d), Arizona Rules of Civil Procedure.

Any civil action shall be dismissed for failure to prosecute upon written motion and notice to opposing counsel, in the discretion of the court, upon the following grounds and conditions:

1. Failure to comply with Rule 38.1, Rules of Civil Procedure, within sixty (60) days after the date of the order for a new trial, or the date of the filing of the mandate of the Supreme Court.

2. For other appropriate reasons.

B. No dismissal shall be ordered during any period that the court finds that a necessary party to the action is in the military service of the United States and is unable during such period to be present at the trial by virtue of such service.

C. When a civil case is set for trial and the parties announce settlement without submitting a final judgment, the court shall place it on the inactive calendar with notice to the parties that a final judgment is required. The court shall dismiss the case after sixty (60) days unless a final judgment is entered, except that, upon a party's motion, the court shall reset it for trial.

Rule CV-3. Trial Settings, Attorney Conflicts

A. All trial settings shall be in accordance with Rule 38.1, Arizona Rules of Civil Procedure.

B. In the event any counsel or party shall have a conflict in trial settings, that party shall promptly notify all counsel and the Court in each case wherein the conflict exists of the existence of the conflict. The conflict shall be resolved by the judge to whom the case with the lowest case number is assigned. Except for good cause, the court should determine priority of cases according to applicable statutes and rules and, between cases of the same type, the court should give priority to the case with the Clerk's lowest assigned number.

Rule CV-4. Stipulations

No agreement, stipulation or consent between parties, or their attorneys, in respect to the proceedings in a cause before the court shall be considered by the court unless it be in writing filed with the Clerk or dictated in open court, except that counsel may orally consent out of court as to the continuance of a matter provided proper notification to the Clerk is given.

Rule CV-5. Briefs, Instructions and Interrogatories to Juries

A. Briefs. Any party may file a trial brief. When any matter is submitted to a trial judge for decision, and the filing of briefs is requested by the judge, the original of each brief shall be filed with the Clerk of the Court and a duplicate thereof shall be provided to the trial judge.

B. Instructions. All requested instructions shall be numbered and shall cite the authorities relied on by counsel in support thereof. To the extent possible under the circumstances of each case, all instructions shall be submitted to the court 30 days prior to trial.

C. Interrogatories. In those matters wherein interrogatories are to be submitted to the jury they shall be submitted on plain 8.5 by 11 inch paper, each such paper being without any indication as to the party or the attorney submitting the same, and there shall be but one interrogatory to a sheet. The interrogatory number will be left blank. To the extent possible under the circumstances of each case, all interrogatories shall be submitted to the court on the morning of the first day of trial.

Rule CV-6. Arbitration

All civil cases, which are filed with the Clerk of Superior Court in which the court finds or the parties agree that the amount in controversy does not exceed \$50,000.00 except those specifically excluded by Rules 72 to 77, Arizona Rules of Civil Procedure, shall be submitted to and decided by an arbitrator or arbitrators in accordance with the provisions of A.R.S. § 12-133 and Rules 72 to 77, Arizona Rules of Civil Procedure. Upon request arbitrators shall be paid \$140.00 per day in accordance with the provisions of A.R.S. 12-133(G).

Rule CV-7. Completion of Discovery; Pretrial Statements; Pretrial Conferences

A. Completion of Discovery. In civil cases, except where the court has entered an order pursuant to Arizona Rules of Civil Procedure 16(b) or (c), all discovery shall be completed ten (10) days prior to the date set for trial except when additional time for discovery is allowed by order of the court.

B. Pretrial Statements. Thorough pretrial statements, containing all the information

required by Rule 16(d), Arizona Rules of Civil Procedure, shall be filed with the court no later than five (5) days prior to the date of jury trial management conference.

C. Request for Pretrial Conference. After the filing of the Pretrial Statement, the court may require the parties to participate in a pretrial conference as provided in Arizona Rules of Civil Procedure 16(a). This provision does not alter any party's right to request a Comprehensive Pretrial Conference as contemplated by Rule 16(b) or (c) of the Arizona Rules of Civil Procedure.

D. Pretrial Conference. In addition to the matters set forth in the pretrial statement the court will consider and counsel shall be prepared to discuss:

1. Motions deferred to the pretrial conference and legal issues expected to be encountered at trial.
2. Any matter by way of stipulation, pleading or proof that may simplify the issues or expedite the trial.
3. Requirements or necessity of filing trial briefs.
4. Number of jurors, alternates, peremptory strikes.
5. Exhibits.
6. Order of trial.
7. Length of trial and whether any special accommodations or equipment will be required.
8. Special Rules of Court.
9. Requirements for proposed jury instructions or jury interrogatories.
10. Requirements with regard to voir dire questions.
11. The possibility of compromise or settlement; however, nothing with respect thereto shall be with prejudice to any party in accordance with Rule 408, Arizona Rules of Evidence.

Rule CV-8. Findings and Conclusions

In all actions in which findings are requested and required, the prevailing party shall prepare proposed findings of fact and conclusions of law within ten (10) days after the court has announced its decision or within such further time as the court may direct. The proposed findings and conclusions shall be filed with the Clerk of the Court and a copy served upon the adverse party who shall have ten (10) days thereafter to file and serve written objections to the proposed findings and conclusions.

Rule CV-9. Cases Preferred for Trial

A. Priority. The following cases shall be preferred for trial:

1. Any case granted a preference by statute or other rule of court;
2. Juvenile cases;

3. Criminal cases;
4. Mental Health cases;
5. Domestic Relations cases;
6. Contested Probate cases;
7. Short Cause Civil cases;
8. Hardship Civil cases.

B. Statutory, Rule or Court Ordered Preference. All cases entitled to a preference for trial by reason of statute, rule or order of court shall be set for trial at the earliest practicable date.

C. Hardship. Preference by reason of hardship may be granted only upon motion supported by affidavit.

D. Extraordinary Circumstances. Upon motion to the Presiding Judge in extraordinary circumstances any case entitled to a preference may be assigned to another judge on the court, to a visiting judge, retired judge or judge pro tempore. In the absence of prior resolution by the assigned trial judge and lawyers involved, resolution of trial calendar conflicts among lawyers in different cases involving extraordinary circumstances may be determined by the Presiding Judge.

E. Short Cause (Civil). A short cause (Civil) is any civil case stipulated by all parties to take less than one hour to try to the court. If the trial of any short cause is not completed within one hour of actual trial time, the trial judge shall make such orders as are appropriate, including a continuance and may order that it take place on the regular trial calendar without preference.

Rule CV-10. Case Number Assignment and Consolidation

A. Number Assignment. The Clerk of the Court shall assign a chronological number to every case filed with the court and indicate to which division of the court the case has been assigned. After the preliminary assignment by the Clerk, the party filing any pleading, motion, memorandum or other paper in the case shall indicate below the case number of the division to which the case has been assigned.

B. Consolidation. Unless the court shall otherwise order, when two or more cases are consolidated, the Clerk shall regard the lowest case number as the controlling number of the consolidated cases and all further pleadings and papers shall be filed and docketed under that number only. Unless the court shall otherwise specify, the consolidation is for all purposes, and not merely for the purpose of trial. A motion to consolidate shall be heard by the judge to whom the case with the lowest number is assigned, unless otherwise assigned by the Presiding Judge. A motion to consolidate shall be filed simultaneously in all cases proposed to be consolidated with copies served on all parties and their counsel.

Rule CV-11. Settlement Conferences and Statements

The purpose of the settlement conference is to permit an informal discussion of every aspect of the lawsuit bearing on its settlement value and to consider, and in appropriate instances to enter into settlement agreements. Settlement conferences shall be held and

conducted in all respects as set forth in Rule 16.1 of the Arizona Rules of Civil Procedure.

Rule CV-12. Attorney Fees

A. Notice of Claim. A claim for attorney fees pursuant to A.R.S. 12-341.01 shall be made in the pleadings, in the joint pretrial statement, or by written notice filed and served before trial or other determination on the merits of the cause.

B. Time of Determination. When attorney fees are recoverable pursuant to A.R.S. 12-341.01 and are claimed by one or more parties, the determination as to the claimed attorney fees shall be made following a decision on the merits of the cause. The time for the filing of affidavits and/or the hearing on the claim shall be set by the court.

C. Method of Establishing Claims. The claim for attorney fees may be supported by affidavit or testimony and appropriate exhibits. If the claim is contested, a hearing shall be granted if requested by any party.

D. Entry of Formal Judgment. Formal judgment on the merits of an action shall be delayed until determination of the issue of the attorney fees as set forth above.

CRIMINAL RULES

Rule CR-1. Pre-trial Procedures, Presence of Defendant

A. Pre-trial hearings leading to the setting of a trial date shall consist of an Arraignment, Case Management Conference, Omnibus Hearing and a Final Management Conference. The content of the hearings shall be as follows:

1. Arraignment. In addition to the requirements of Rule 14.3. Arizona Rules of Criminal Procedure, the Court shall inquire whether any victim has invoked his or her rights, whether the defendant is subject to any then-known sentencing enhancements, whether counsel has or will discuss sentencing options with the defendant, and whether the defendant has any other pending cases in Mohave County Superior Court. The Court may inform the defendant of the range of sentence. A motion for release filed in the lower Court at least ten days prior to arraignment shall be considered at the arraignment hearing. The Court shall set a Case Management Conference three weeks after arraignment unless ordered otherwise.

2. Case Management Conference. The Court shall determine whether any disclosure issue exists, whether any plea offer has or will be made to resolve the matter and whether any known motions or pre-trial issues are to be addressed. The Court shall set an Omnibus Hearing three weeks after the Case Management Conference unless ordered otherwise.

3. Omnibus Hearing. Counsel shall provide the Court with a completed Omnibus Hearing Form prior to the Omnibus Hearing. The Court shall discuss all issues raised by the parties as set out in the Omnibus Hearing Form. The Court may then set motion deadlines, schedule evidentiary hearings or oral arguments as necessary or set the matter for trial. If the matter is set for trial, the Court shall schedule a Final Management Conference no less than five court days prior to the trial.

4. Final Management Conference. The Court shall determine that the parties are ready for trial. At this hearing, inter alia, the Court and counsel shall resolve as many evidentiary issues as possible to determine appropriate voir dire areas, discuss jury

instructions known to be required by the case and the parties'. Further, counsel shall inform the court whether any special accommodations or equipment will be required at the trial.

B. The defendant and counsel shall appear at all scheduled hearings. The failure of the defendant to appear as ordered shall result in the issuance of a bench warrant and possible bond forfeiture. Counsel or defendant may appear telephonically at procedural hearings upon request, at the discretion of the Court.

C. The Court may conduct a change of plea at any hearing. The Court may also specifically set a change of plea at the request of the parties.

D. The Court may set Status Hearings as necessary to effect efficient case processing of any matter. Upon prior request of counsel, the defendant may waive his or her presence in the discretion of the court.

E. Counsel for any party shall be responsible to secure the attendance of all witnesses at any hearing.

Rule CR-2. Release

A. All motions seeking a reconsideration of the conditions of release shall be heard by the assigned trial division and will be heard at the earliest possible time, especially when the defendant is in custody.

B. Hearings will be scheduled consistent with giving notice to any victim and in conformance with the Rules of Criminal Procedure.

C. If the defendant has been previously released on bond or on some other release conditions before Grand Jury Indictment, these same release conditions shall continue after a Grand Jury Indictment on the same charges or any charges arising out of the same events, unless ordered differently by the assigned trial division after a duly noticed and contested hearing.

D. This rule shall apply equally to motions filed by the defendant as well as motions filed by the State pursuant to Rule 7.2, Arizona Rules of Criminal Procedure, alleging a violation of the defendant's conditions of release or pursuant to A.R.S. § 13-3961(B) alleging the defendant is a substantial danger to another person or the community.

Rule CR-3. Substitution of Counsel

A. Substitution of counsel in criminal cases shall be governed by Rule 6.3 of the Arizona Rules of Criminal Procedure. In the case of a stipulation of privately retained counsel the stipulation shall:

1. Bear the signed statement by the substituting attorney which consents to the substitution and states that the substituting attorney is advised of the next scheduled court date, to include the nature of the scheduled proceedings, and will be prepared for all scheduled court dates; and

2. Be accompanied by a proposed written order, which may be presented ex parte. Copies of said order will be provided for the State and prior counsel.

B. In the case of a change of assigned indigent defense counsel, a Notice of Change of Assigned Counsel shall be sufficient. Such Notice of Change of Assigned Counsel shall:

1. Bear the signed statement of either the new counsel, the department head, or the contracting authority that the case has been reassigned to a new department, or under a conflict/overflow contract; and
2. Bear a certificate of service, indicating that the client has been informed of the reassignment of the case, and has been provided contact information for the new attorney.

Rule CR-4. Mental Health Examinations

The Court shall schedule all mental health examinations, unless otherwise ordered by the Court, and enter all appropriate orders.

Rule CR-5. Restoration of Civil Rights

A. Any defendant seeking an order restoring any civil rights or other relief under applicable statutes shall file an application on a form provided by the Clerk of the Court or adult probation department. The defendant shall identify all the defendant's felony convictions, to include the offense for which relief is sought, including the name of the offense, the date of the conviction and the county.

B. The defendant shall, at the time of the filing of the application and attachments, deliver a copy of such documents to the State. The State shall have 30 days thereafter to file any response.

Rule CR-6. Criminal Appeals from Limited Jurisdiction Courts

A. Notice of Completion of Record. The Clerk of the Superior Court will docket all appeals from limited jurisdiction courts and shall immediately notify the parties of the date the completed record is received. The appellant's memorandum shall be filed within 20 days thereafter.

B. Dismissal of Appeal -- Failure to Timely File Appellant's Memorandum. In the event that the appellant's memorandum is not filed by the date provided in the Superior Court Rules of Appellate Procedure--Criminal, or as designated in the Superior Court's order, whichever is later, the presiding judge or a designee shall dismiss the appeal and remand the case to the limited jurisdiction court for appropriate action.

The State shall not be required to file an answering memorandum unless ordered by the presiding judge.

Rule CR-7. Grand Jury Indictment--Remanded Cases

Where an indictment is returned by the grand jury on a matter previously filed with the Clerk of the Court which was remanded to the Grand Jury by court order for a new finding of probable cause, the case shall be assigned the original number. The County Attorney or other prosecuting attorney shall advise the court and clerk at the time of the return of the indictment on any case previously remanded. Such presentment of the remanded charges must take place within fifteen (15) days or the remanded charges will be dismissed without prejudice. Throughout this process the case shall be deemed as pending, and Rule 10, Rules of Criminal Procedure, Change of Judge, shall not apply.

Rule CR-8. Motions to Compel or for Sanctions

Any party seeking a pretrial order compelling the production of material or seeking sanctions for failure to comply with the rules of disclosure, or other court order, shall first

certify to the Court that the party has personally made a good faith effort to resolve any outstanding discovery issue.

Rule TR-1. Notice of Right to Appeal and Appeal Procedure

Immediately following judgment and sentence in a criminal matter or the imposition of a civil sanction after a hearing in a civil traffic matter the limited jurisdiction court shall deliver to the defendant a written notice of right to appeal. The notice shall state that a right to appeal exists, the applicable time limit, and the location and manner of filing the notice of appeal and shall refer the defendant to the rules governing the appeal process.

DOMESTIC RELATIONS RULES

Rule DR-1. Conciliation Court and Outside Mediation Services

The Superior Court Judge may appoint a mediator from the Conciliation Court system or an outside mediator. The parties may contract with an outside mediator for his or her services in which event they shall be directly responsible for his or her fee. Where the parties desire to employ an outside mediator but cannot agree on the selection, each party shall submit the name of one qualified person and the court shall make the appointment using the persons selected by the parties or any other qualified individual.

(1) The Alternative Dispute Resolution (ADR) Administrator shall maintain a roster of interested persons qualified to act as private mediators in accordance with Arizona Rules of Family Procedure 67(B)(1). The ADR Administrator shall update the roster annually. The roster shall be made available to parties and the public at the Office of Conciliation Court Services.

(2) The qualifications for appointment as a private mediator shall be as set forth in Appendix DR-1(A); or as otherwise determined necessary and appropriate in the sole discretion of the Presiding Judge.

(3) Persons interested in qualifying for appointment as a private mediator shall complete the initial application set forth in Appendix DR-1(B); submit same to the ADR Administrator at the Office of Conciliation Courts; and annually submit written verification of their continued qualification to be appointed a private mediator, as described in Appendix DR-1(A), referenced in G.2 above, to the ADR Administrator at the Office of Conciliation Courts by December 15 of each year. Qualified candidates will be determined by the ADR Administrator; as approved by the Presiding Judge.

Appendix A. Private Mediator Roster Requirements

FOR INITIAL ROSTER PARTICIPATION:

I. The candidate must be able to demonstrate:

(A) a minimum two (2) years experience as a family mediator, Family Court Judicial Officer, Family Court Judge Pro Tempore, with a minimum of 20 family cases mediated or trials held, or;

(B) a minimum of one (1) year of experience as a family mediator, Family Court Judicial Officer, Family Court Judge Pro Tempore, or family law attorney, with a minimum of 10 family cases mediated or trials held and be willing to participate in two mediations under

the supervision and direction of the ADR Administrator or other roster member approved by the ADR Administrator before accepting Family Court case referrals as sole mediator.

II. The candidate must present training verification from:

(A) an approved basic 40-hour family mediation training course, or;

(B) an approved 40-hour basic mediation training and an approved 20-hour advanced family mediation training; and

(C) 12 hours of domestic violence and 12 hours of child abuse training.

Note: Training programs accredited by the Association for Conflict Resolution (ACR), Association of Family and Conciliation Court Services (AFCC), and the Dispute Resolution Section of the American Bar Association (ABA) generally meet this roster requirement.

III. The candidate must submit proof of mediator liability insurance to the Superior Court ADR Administrator and annually provide proof of continuing coverage on or before the policy renewal date, but no later than December 15th of each year.

IV. The candidate must present verification that they possess at least a graduate level degree in a social science or related field, such as social work, mental health, behavioral sciences, or law or equivalent knowledge and experience. Upon a showing of good cause, a written waiver of this requirement may be given by the Presiding Judge.

V. The candidate must agree to adhere to the Model Standards of Practice for Mediators promulgated by the Association for Family and Conciliation Courts (AFCC).

VI. The candidate must be willing to adhere to all ethical standards set by the Court.

VII. The candidate must submit information on case screening method(s) to be used in determining case for mediation which must be approved by the ADR Administrator.

VIII. The candidate must be willing to participate in grievance and feedback procedures adopted by the Court.

IX. The candidate must attend a Family Court Mediator Roster orientation prior to acceptance of any case referred by the court.

X. The candidate must pay an application processing fee of \$50.00 to the Clerk of the Superior Court of Mohave County payable to the Conciliation Court Fund.

Note: Acceptance and verification of the qualifications of an individual mediator rests with the Superior Court ADR Administrator, subject to final review and approval by the Presiding Judge of the Superior Court.

FOR CONTINUING ROSTER PARTICIPATION:

I. Each calendar year, the candidate must complete a minimum of five (5) credit hours of continuing education in alternative dispute resolution (ADR) topics, including at least (2) hour every other year on domestic violence and child abuse issues. The candidate must present proof of credit completion to the Superior Court ADR Administrator prior to December 15th of each year.

II. The candidate must maintain separate mediator liability insurance on a continuous basis. The candidate must submit proof of mediator liability insurance to the Superior Court ADR Administrator upon application to the roster and annually provide proof of continuing coverage on or before the policy renewal date, but not later than December 15th of each year.

III. The candidate must annually complete one (1) pro bono mediation case session of not more than two hours in length selected and referred by the ADR Administrator of the Superior Court for each three(3) cases referred for compensation.

IV. The candidate must be willing to participate in grievance and feedback procedures adopted by the Court.

V. The candidate must comply with all case reporting requirements established by the ADR Administrator, including case outcome and client feedback information.

VI. The candidate must pay a roster participation renewal processing fee of \$25.00 to the Clerk of the Superior Court of Mohave County payable to the Conciliation Court Fund.

Private Mediation Roster Application

Appendix B. Private Mediation Roster Application

NOTE: Information disclosed on this Registration Form might be considered public record.

PART I--General Information

1. BUSINESS LOCATION AND HOURS:

A. Name: _____

B. Address: _____

C. Telephone: _____ Pager /Mobile: _____ Fax: _____

D. Office Days and Hours: _____

E. Other Office Location(s): _____

F. Address: _____

G. Telephone: _____ Fax: _____

H. Office Days and Hours: _____

2. FEES FOR SERVICES:

A. What do you charge for an Initial Consultation? 1/2 Hour \$ ____;
Hour \$ ____

B. What is your hourly charge for services? \$ _____

C. How do you require payment to be made? ☐ Cash ☐ Personal Check
☐ Credit Card (list which ones):

D. When do you require payment for services to be made?
☐ At time service is performed ☐ At end of all services to be performed ☐ Other (Please explain):

E. Do you require a retainer? If so, please describe _____

3. LANGUAGE FLUENCY: Please list all languages in which you are fluent:

☐ English ☐ Spanish ☐ Other (please list): _____

Please indicate if staff in your office are fluent in other languages.

Please list: _____

4. EDUCATION AND TRAINING:

A. EDUCATION: Please attach a transcript or a copy of your diploma for each degree listed.

DEGREE AWARDED: DATE RECEIVED: INSTITUTION:

B. MEDIATION AND OTHER REQUIRED TRAINING

(Must include a 40 hour basic mediation training for the general roster; an additional 40 hour domestic relations mediation training for the family mediation roster; 12 hours of child abuse training and 12 hours of domestic violence training for the family mediation roster.

List (1) the name of training attended, (2) the dates of attendance, and (3) the institution conducting training.

1. _____

2. _____

3. _____

C. APPLICABLE MEMBERSHIPS, LICENSURE, CREDENTIALS

1. _____

2. _____

3. _____

5. MEDIATION EXPERIENCE:

1. _____

2. _____

3. _____

6. PROFESSIONAL LIABILITY INSURANCE: Do you have Professional Mediator Liability Insurance? ☐ YES ☐ NO

Provider: _____

Policy Number: _____

Coverage Limits: _____

7. OTHER MATTERS:

- A. Have you been arrested, charged or convicted of a felony, or have you been arrested, charged or convicted of any matter relating to sexual misconduct, regardless of when such arrest charge or conviction occurred?

☐ NO ☐ YES (If yes, please attach explanation.)

- B. In the past three years before submitting the Registration Form, have you had an adverse decision rendered against you by any regulating agency or court pertaining to the service or conduct which is related to the services that are the subject of the Court Roster?

☐ NO ☐ YES (If yes, please attach explanation.)

- C. Are you under any current limitations by any regulating agency or court pertaining to the service or conduct which is related to the services that are the subject of the Court Roster?

☐ NO ☐ YES (If yes, please attach explanation.)

- D. Do you know of any present or past conduct that might or may affect your ability to provide the service or conduct which is related to the services that are the subject of the Court Roster for which you are applying?

☐ NO ☐ YES (If yes, please attach explanation.)

PART II. Family Mediation Information

EXPERIENCE

Please check the following option that best describes your experience as a family mediator:

- ☐ I have a minimum of two (2) years experience as a family mediator, with a minimum of 20 cases mediated,
- OR
- ☐ I have one (1) year of experience as a family mediator with a minimum of 10 cases mediated or two (2) years experience as a general mediator. (I understand that if I qualify under this option, I must be willing to conduct two family mediations under supervision and direction of the Mohave County Superior Court, Conciliation Court Services, Alternative Dispute Resolution (ADR) Administrator or an approved Family Mediation Roster Member and provide a written recommendation from said member to the ADR Administrator before accepting referrals from the Court to act as a mediator in family cases.

Please explain your experience as a family/ general mediator below, including number of years you've been mediating and the approximate number of FAMILY cases you have mediated.

Number of family cases mediated: _____

EDUCATION/ TRAINING

1. ☐ YES ☐ NO I have completed an approved 40 HOUR COURSE in family, domestic relations, or divorce mediation.
- OR
- ☐ YES ☐ NO I have completed an approved 40-hour basic mediation training PLUS an approved 20-hour advanced family mediation training that includes training in family violence?
- Date of course: _____ Institute or Agency: _____
- (Attach copy of certificate of attendance to this Registration Form.)

2. ☐ YES ☐ NO I have provided proof of twelve (12) hours training in family violence issues and twelve (12) hours of training in child abuse issues.
3. ☐ YES ☐ NO I will complete a minimum of five (5) hours of continuing education credits each calendar year in alternative dispute resolution (ADR) topics, including at least one (1) hour every two years on domestic violence issues and one (1) hour every two years on child abuse issues. (You must submit proof of completion to the Superior Court ADR Office prior to December 15th of each year.)
4. ☐ YES ☐ NO I maintain separate mediator liability insurance on a continuous basis. (You must submit proof of mediator liability insurance to the Superior Court ADR Office and annually provide proof of coverage on or before the policy renewal date, but no later than December 15th of each year).
5. ☐ YES ☐ NO Do you have at least a master's level of graduate degree in a social science, a juris doctorate degree or related degree in a related field?

MEDIATION EXPERIENCE

1. How many years have you been mediating cases as a third party neutral?

2. Estimate the number of cases you have mediated as a third party neutral. _____
4. How many years have you been active in practice as a FAMILY mediator?
[FN1] _____
5. How many years of experience do you have in FAMILY cases or practice, other than in mediation? _____

PREFERRED MEDIATION AREAS

1. What types of cases in FAMILY mediation are you willing to mediate:
- _____ Divorce, Legal Separation, Annulment
_____ Grandparent Rights
_____ Paternity
_____ Post-Decree Matters
_____ Adoption, Juvenile Dependency
2. ☐ YES ☐ NO Are there any kinds of cases you prefer NOT to handle as a FAMILY MEDIATOR? If YES, please describe:

ROSTER CERTIFICATION REQUIREMENTS

If I am included in the Mohave County Superior Court Family Court Mediator Roster, I WILL:

- | | | |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Submit proof of all mediation experience, education and training requirements as established by the Superior Court? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Submit initial and continuing proof of compliance with continuing education or special training requirements as established by the Superior Court? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Submit initial and continuing proof of mediator liability insurance in accordance with Superior Court procedures? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Attend a Family Court Mediator Roster orientation prior to acceptance of any cases from the Superior Court? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Conduct pre-mediation screening as to appropriateness of mediation services for the case, including domestic violence screening? (A sample screening form is available.) |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Submit copies of case screening methods, including domestic violence, to be used in determining appropriateness for mediation? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Adhere to Models and Standards of Practice for Mediators established by the Association of Family and Conciliation Courts? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Adhere to all ethical standards set by the Superior Court? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Annually complete one pro bono mediation for every two cases referred to me by the Superior Court for which I am compensated? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Comply with all reporting requirements, including grievance and feedback procedures, adopted by the Superior Court. |

I swear that all of the information on this registration form, and any attached sub-parts, is true and accurate to the best of my knowledge, information, and belief. I have read and I understand the requirements and agree to abide by them. I will advise the Court in writing of any material changes to the information contained in this Registration. I understand that failure to be truthful about matters related to this application or to abide by these Policies and Procedures may result in the removal of my name from the applicable Court Roster.

Signature: _____

Subscribed and sworn to before me this _____ day of _____,
_____.

by _____.

Signature _____

Notary Public

My commission expires: